

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4771

IN THE MATTER OF:

Served February 26, 1996

Investigation of Unauthorized)
Operations of DC FAMILY SERVICES)

Case No. MP-96-17

On May 22, 1995, the Commission received an informal complaint from WMATC Carrier No. 51 alleging that on May 9, 1995, complainant observed passengers being transported in the District of Columbia, to and from a day care program operated by PSI, Inc., in Southeast Washington, in vehicles which did not display any indicia of authority from this Commission. One of those vehicles was traced to DC Family Services, respondent.

On August 22, 1995, the Commission mailed a letter to respondent informing respondent that the Commission regulates transportation for hire in the Metropolitan District, which includes the District of Columbia, and advising respondent to obtain a certificate of authority before conducting any transportation for hire in our jurisdiction.

On February 1, 1996, the Commission received a memorandum from the District of Columbia Department of Human Services, Commission on Health Care Finance (CHCF) alleging that on January 22, 1996, a CHCF inspector observed respondent transporting DC Medicaid passengers between respondent's group homes in DC and a United Cerebral Palsy day care program in DC. Transportation of this nature usually requires a certificate of authority.

Article XI, Section 6, of the Compact provides that a person may not engage in transportation subject to the Compact unless there is in force a certificate of authority issued by the Commission authorizing the person to engage in that transportation. Article XIII, Section 1(c), of the Compact provides that the Commission may investigate a carrier to determine whether that carrier has violated the Compact or a regulation or order thereunder. Article XIII, Section 6(f), provides that a person who knowingly and willfully violates a provision of the Compact shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation and that each day of the violation constitutes a separate violation.

Respondent shall be directed to show cause why a civil forfeiture should not be assessed for respondent's knowing and willful violation of the Compact, Article XI, Section 6.

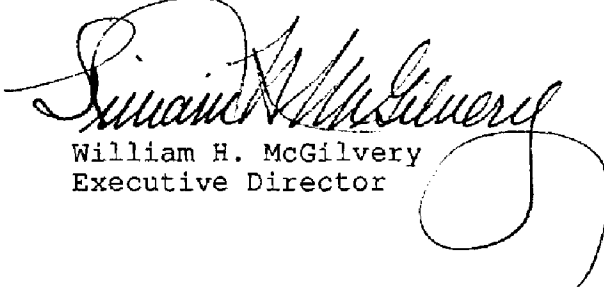
THEREFORE, IT IS ORDERED:

1. That an investigation of respondent's operations in the Washington Metropolitan Area Transit District is hereby initiated under Article XIII, Section 1, of the Compact.

2. That respondent shall have thirty days from the date of this order to show cause why a civil forfeiture should not be assessed for transporting passengers for hire between points in the Metropolitan District without a certificate of authority.

3. That respondent may file within 15 days from the date of this order a request for oral hearing, provided that said request describes the evidence to be adduced at such hearing and explains the reasons why the evidence could not be adduced without an oral hearing.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER AND LIGON:


William H. McGilvery
Executive Director